

THE HONORABLE BENJAMIN H. SETTLE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

KYLIE STEELE,

Plaintiffs,

v.

**NATIONAL RAILROAD PASSENGER
CORPORATION, a/k/a AMTRAK, a
District of Columbia corporation; and,
DOES ONE THROUGH FIFTY,**

Defendants.

Case No. 3:19-cv-05553-BHS

**PLAINTIFF'S PROPOSED VOIR DIRE
QUESTIONS**

Pursuant to the LCR 47(a) and the Court's Order Setting Jury Trial and Pretrial Dates (Dkt #12), Plaintiff submits proposed voir dire questions for the Court to pose to the potential jury panel. Many of these proposed questions could elicit answers that indicate further questioning is necessary. If a particular answer does so, Plaintiff respectfully requests the right to ask additional questions and the Court to examine whether there has been a disclosure of possible bias or prejudice.

In addition to the Court's General Questions to Jury, the questions Plaintiff would ask the Court to submit to the jurors include the following:

1. Where do you live and with whom?
2. What do you and your significant other do for work?
3. Does anyone have strong feelings for or against civil lawsuits?
4. Does anyone have strong feelings about personal injury cases in general?
5. What about the fact that our legal system is set up to award money damages for losses, including injuries—does anyone have a problem with that being our system?
 - a. Does anyone think there should be caps on damages available to litigants?
 - b. What about where the damages are extraordinary in scope and length of impact?
 - c. Does anyone hold a religious belief that makes it difficult to sit in judgment of others or to award money damages?
6. Does anyone think that the burden by a preponderance of the evidence, 50%+, is unfairly easy for the plaintiff to meet?
7. Is anyone associated with Amtrak personally, or does anyone have a personal connection to someone who is associated with Amtrak?
8. Does anyone ride Amtrak trains?
 - a. If so, how often?
 - b. Have you ever been injured riding an Amtrak train?
9. Does anyone believe they have special experience or expertise involving trains, even outside of Amtrak?
10. Have you heard, read or seen media coverage regarding the Amtrak Train 501 derailment that occurred on December 18, 2017?
11. Does anyone know someone who was involved in the Amtrak train derailment in Dupont on December 18, 2017?

1 12. Knowing the case is not about whether Amtrak is liable, since they have admitted their
2 negligence in causing that derailment, do you have any strong feelings that might make
3 it challenging to allow damages?

4 13. Do you know what a concussion or mild traumatic brain injury is?

5 14. Does anyone here believe they have personal expertise in traumatic brain injuries and
6 their impacts?

7 15. Have any of you suffered from a concussion or mild traumatic brain injury?

8 a. Who/what/when/how?

9 b. What impacts did that have for you?

10 c. How long did those impacts last?

11 d. What did you do to address those impacts?

12 16. Do you know anyone else who has suffered from a concussion or a mild traumatic brain
13 injury?

14 a. In what circumstances?

15 b. How was/were they affected, and for how long?

16 17. Do you know anyone who has had any impact to his/her cognitive abilities from a
17 traumatic brain injury?

18 a. Who/what/when/how?

19 b. What effects did that cognitive change have?

20 18. Does knowing that Amtrak's derailment caused Ms. Steele to suffer a mild traumatic
21 brain injury, a fact that is not at issue in this case, impact your willingness to sit on this
22 jury?

23 19. Do you have any training or work experience in the field of psychological treatment?

1 20. Do you or anyone close to you have any experience involving Post-Traumatic Stress
2 Disorder (“PTSD”)?

3 21. Would you have any difficulty rendering a verdict if the main injuries were not physical,
4 but impacts to Ms. Steele’s brain and their resultant impacts of such injuries on her life?

5 22. Do you feel that invisible, but clearly diagnosed and medically-supported, injuries are as
6 important as visually apparent physical injuries?

7 a. What kind of evidence would you expect to see in such a situation?

8 b. Why should these be treated the same?

9 c. You’d agree, right, that a fractured bone, while not visible, can cause pain and
10 suffering and loss of enjoyment of life? Does anyone feel that an injury to the
11 brain is different?

12 23. Have you or someone close to you ever suffered a serious injury?

13 24. If it appears from the law and the evidence that Ms. Steele has been permanently impacted
14 due to her injuries, including her mild traumatic brain injury, resulting from the
15 derailment in a manner that restricts her work, would you have any hesitation to return a
16 verdict for the following types of losses:

17 a. Her lost wages, both in the past and in the future?

18 b. Her necessary care and treatment into the future?

19 c. Damages for her pain and suffering and loss of enjoyment of life, past and future?

20 25. Is there anything about the nature of this case, including the fact that plaintiff brings this
21 action against Amtrak, that bothers you?

22 26. Is there anything in your own experience which you believe would affect your decision
23 in this case or your ability to make a decision in this case?

1 27. From what sources do you mainly obtain your news?

2 28. Are you active on social media?

3 a. On what site(s)?

4 29. Have you ever testified before in a court of law or been a witness in a lawsuit?

5 Dated: September 21, 2021

6 **ROSSI VUCINOVICH PC**

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